IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.Rev.Pet.No. 66 of 1998()

CRA.29/1995 of ADDL.SESSIONS COURT, PARAVUR
CC.528/1993 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

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REVN. PETITIONER: APPELLANT/ACCUSED

N.V.NARAYANAN
NANGELI VEEDU
PERUMBAVOOR

BY ADV. SRI. T. RAVIKUMAR
SRI.S.RAJEEV

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. SANTHI SLAVOS
S/O.XAVIER
KALAMBADAN VEEDU
NEDUNGAPARA KARA
VENGOOR WEST VILLAGE.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.No.66/1998

ORDER ON CRL.M.P.NO.401/1998 IN CRL.R.P.NO.66/1998

DISMISSED

21.3.2007 Sd/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.66 of 1998

Dated this the 22nd day of March, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year.

2. The contention of counsel for the revision petitioner is that the revision petitioner ought to have been given an opportunity to adduce evidence in support of his version that the signed blank cheque was stolen by the complainant. The evidence adduced in the matter consisted the testimony of PW1 and Exts. P1 to P7. The revision petitioner has relied on the decision in Bindu vs. Sreekandan Nair (2007(1) KLT 525) in support of his contention that when he denied the writings in the cheque except the signature, the same is not sufficient to establish the execution.

3. In the circumstances of the case, I find that PW1 has testified with respect to the execution of the cheque. In the cross examination he has stated he is not aware of the person

who wrote down the details in the cheque that the accused has brought a cheque pre-written into his office and signed in his presence. He has not been cross examined with respect to the version of the accused that the signed blank cheque was stolen. I find that the facts of the case has no similarity with the facts situation in the cited decision. On a perusal of the evidence of PW1, I find that nothing has been brought out in the cross examination to suspect his version. No contradiction or inconsistency has been brought out. The revision petitioner has not adduced any evidence or brought out any circumstances in the cross examination of PW1 to rebut the statutory presumptions. In the circumstances, I find no reasons to interfere in the findings of the court below in exercise of the revisional jurisdiction of this court.

The criminal revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl